



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**

Introduced 2/6/2004, by Patrick Welch

**SYNOPSIS AS INTRODUCED:**

225 ILCS 10/2	from Ch. 23, par. 2212
225 ILCS 10/2.09	from Ch. 23, par. 2212.09
225 ILCS 10/2.24 new	

Amends the Child Care Act of 1969. Changes the definition of "child care center" and adds a definition for "partially exempt child care program". Effective immediately.

LRB093 16636 AMC 42286 b

1 AN ACT concerning child care.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Child Care Act of 1969 is amended by  
5 changing Sections 2 and 2.09 and by adding Section 2.24 as  
6 follows:

7 (225 ILCS 10/2) (from Ch. 23, par. 2212)

8 Sec. 2. Terms used in this Act, unless the context  
9 otherwise requires, have the meanings ascribed to them in the  
10 following Sections ~~Sections 2.01 through 2.21.~~

11 (Source: P.A. 86-278; 86-386.)

12 (225 ILCS 10/2.09) (from Ch. 23, par. 2212.09)

13 Sec. 2.09. "Day care center" means any child care facility  
14 which regularly provides day care for less than 24 hours per  
15 day for (1) more than 8 children in a family home, or (2) more  
16 than 3 children in a facility other than a family home,  
17 including senior citizen buildings. The term does not include  
18 (a) programs operated by (i) public or private elementary  
19 school systems or secondary level school units or institutions  
20 of higher learning that serve children who shall have attained  
21 the age of 3 years ~~or (ii) private entities on the grounds of~~  
22 ~~public or private elementary or secondary schools and that~~  
23 ~~serve children who have attained the age of 3 years, except~~  
24 ~~that this exception applies only to the facility and not to the~~  
25 ~~private entities' personnel operating the program; (a-1)~~  
26 partially exempt child care programs as defined in Section  
27 2.24; (b) programs or that portion of the program which serves  
28 children who shall have attained the age of 3 years and which  
29 are recognized by the State Board of Education; (c) educational  
30 program or programs serving children who shall have attained  
31 the age of 3 years and which are operated by a school which is

1 registered with the State Board of Education and which is  
2 recognized or accredited by a recognized national or multistate  
3 educational organization or association which regularly  
4 recognizes or accredits schools; (d) programs which  
5 exclusively serve or that portion of the program which serves  
6 handicapped children who shall have attained the age of 3 years  
7 but are less than 21 years of age and which are registered and  
8 approved as meeting standards of the State Board of Education  
9 and applicable fire marshal standards; (e) facilities operated  
10 in connection with a shopping center or service, religious  
11 services, or other similar facility, where transient children  
12 are cared for temporarily while parents or custodians of the  
13 children are occupied on the premises and readily available;  
14 (f) any type of day care center that is conducted on federal  
15 government premises; (g) special activities programs,  
16 including athletics, crafts instruction and similar activities  
17 conducted on an organized and periodic basis by civic,  
18 charitable and governmental organizations; (h) part day child  
19 care facilities, as defined in Section 2.10 of this Act; or (i)  
20 programs or that portion of the program which (1) serves  
21 children who shall have attained the age of 3 years, (2) is  
22 operated by churches or religious institutions as described in  
23 Section 501 (c) (3) of the federal Internal Revenue Code, (3)  
24 receives no governmental aid, (4) is operated as a component of  
25 a religious, nonprofit elementary school, (5) operates  
26 primarily to provide religious education, and (6) meets  
27 appropriate State or local health and fire safety standards.

28 For purposes of (a), (b), (c), (d) and (i) of this Section,  
29 "children who shall have attained the age of 3 years" shall  
30 mean children who are 3 years of age, but less than 4 years of  
31 age, at the time of enrollment in the program.

32 (Source: P.A. 92-659, eff. 7-16-02.)

33 (225 ILCS 10/2.24 new)

34 Sec. 2.24. Partially exempt child care program. "Partially  
35 exempt child care program" means a child care program that

1 provides care for less than 24 hours per day for more than 3  
2 unrelated children who are 3 years old or older and is operated  
3 by a private entity on the grounds of a public or private  
4 elementary or secondary school. A partially exempt child care  
5 program is exempt from standards related to the physical  
6 facility, but must meet all other licensing standards in  
7 Department rules for day care centers. The partially exempt  
8 child care program must comply with applicable health and fire  
9 safety standards for the school facility.

10 Section 99. Effective date. This Act takes effect upon  
11 becoming law.